



355853

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

IN RE:

SHERWIN-WILLIAMS COMPANY
CHICAGO, ILLINOIS

an Ohio Corporation

DOCKET NO. TSCA-V-C-062

CONSENT AGREEMENT
AND
FINAL ORDER

CONSENT AGREEMENT

WHEREAS:

1. This civil administrative proceeding for the assessment of a penalty was initiated pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2615(a).

2. A Complaint and Notice of Opportunity for Hearing was filed by Complainant on July 16, 1982, charging that Respondent violated Section 15 of TSCA, 15 U.S.C. §2614(1), and implementing regulations, 40 CFR §§761. et seq. These violations occurred at Respondent's facility in Chicago, Illinois. They were observed by inspectors of the United States Environmental Protection Agency (U.S. EPA) during an inspection of that facility on May 27, 1981.

3. The parties discussed settlement of this action in informal conferences on several occasions through Ms. Deborah Wamsley, attorney for Respondent, and Ms. Eileen R. Bloom, attorney for U.S. EPA.

WHEREFORE, for the purpose of this proceeding only and without prejudice to any other proceeding:

1. Respondent Sherwin Williams Company hereby admits the jurisdictional allegations contained in the Complaint.

2. Respondent neither admits nor denies the factual allegations set forth in the Complaint.

3. Respondent explicitly waives its right to request a hearing on the allegations of the Complaint filed herein.

4. Respondent consents to the issuance of the Final Order hereinafter recited.

ORDER

1. Respondent shall within twenty (20) days of receipt of this signed Consent Agreement and Final Order, pay by cashier's or certified check TWO THOUSAND DOLLARS (\$2,000.00), payable to the Treasurer of the United States of America. Such payment shall be remitted to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

2. Refusal to comply with the terms of this Order will result in the referral of this matter to the United States Attorney General for collection.

Alan O'Neil

Vice President, General Counsel & Corporate Secretary
For Sherwin Williams Company

Dated: 12/27/82 At: Chicago, IL

Basil G. Constantelos
Basil G. Constantelos, Director
Waste Management Division
Region V
U.S. Environmental Protection Agency
230 S. Dearborn Street
Chicago, Illinois 60604

It is so Ordered as agreed to by the parties.

Valdas V. Adamkus
Valdas V. Adamkus
Regional Administrator
Region V
U.S. Environmental Protection Agency
230 S. Dearborn Street
Chicago, Illinois 60604

Dated: 12/27/82 At: CHICAGO, IL.